

AMENDED IN ASSEMBLY MAY 30, 2012  
AMENDED IN ASSEMBLY MARCH 1, 2012  
AMENDED IN ASSEMBLY JUNE 20, 2011  
AMENDED IN SENATE MAY 5, 2011  
AMENDED IN SENATE APRIL 14, 2011

**SENATE BILL**

**No. 542**

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**Introduced by Senator Price**

February 17, 2011

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*An act to amend Section 5006 to amend Sections 2786, 5006, 5006.1, and 5007 of the Penal Code, relating to the Inmate Welfare Fund, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 542, as amended, Price. Inmate Welfare Fund.

Existing law establishes the Inmate Welfare Fund of the Department of Corrections and Rehabilitation in the State Treasury. Existing law requires that the money in the fund ~~constitutes~~ *constitute* a trust to be used for the benefit, education, and welfare of inmates of prisons and institutions under the jurisdiction of the department, as specified. Existing law requires the Department of Finance to conduct a biennial audit of the fund and, at the end of each intervening fiscal year, to prepare a statement of operations.

~~Existing law also authorizes the sheriff of each county to maintain an inmate welfare fund to be kept in the treasury of the county, as specified. Certain counties have established an inmate welfare fund commission or inmate welfare fund committee to oversee the use of these funds.~~

~~This bill would require an unspecified percentage of the money in the Inmate Welfare Fund to be, upon appropriation, transferred annually to county departments of probation to be utilized for the coordination of mental health services after an inmate's release from state custody. The bill would define mental health services, for purposes of this provision, to include, but not be limited to, consultation and referral to community mental health providers and programs, transportation to mental health appointments and treatment facilities, and transfer of any prescriptions used to treat mental illness. The bill would require each county department of probation to prepare a biannual report regarding the use of the funds and to submit it to the county inmate welfare fund commission or committee, or to the board of supervisors, or both. By imposing new duties on county probation departments, the bill would create a state-mandated local program authorize the use of moneys in the Inmate Welfare Fund for reentry programs, as described, and would specify the intent of the Legislature that the moneys not be used for programs that the department is required to provide. The bill would require the warden of each institution and specified other stakeholders to meet at least biannually to determine how the money is used in that institution.~~

*Under existing law, funds from the Inmate Welfare Fund are prohibited from being used for specified expenses, including overtime for staff, television repair, and athletic or recreation supplies. Under existing law, moneys in the fund, as they relate to state prison camps, are continuously appropriated.*

*This bill would authorize the use of fund moneys for athletic and recreation supplies, and reentry programs, thereby making an appropriation.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: yes-~~no~~.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 2786 of the Penal Code is amended to*  
2     *read:*

3     2786. All money received pursuant to this article in the Inmate  
4     Welfare Fund of the Department of Corrections *and Rehabilitation*  
5     is hereby appropriated for educational~~and~~, recreational~~purposes~~,  
6     *and reentry programs* at the various prison camps established  
7     under this article and shall be expended by the ~~director~~ *secretary*  
8     upon warrants drawn upon the State Treasury by the ~~State~~  
9     Controller after approval of the claims by the California Victim  
10    Compensation and Government Claims Board. *It is the intent of*  
11    *the Legislature that moneys in this fund only be expended on*  
12    *services other than those that the department is required to provide*  
13    *to inmates.*

14    ~~SECTION 1.~~

15    *SEC. 2. Section 5006 of the Penal Code is amended to read:*

16    5006. (a) (1) All moneys now held for the benefit of ~~prisoners~~  
17    *inmates* including that known as the Inmate Canteen Fund of the  
18    California Institution for Men, ~~and~~; the Inmate Welfare Fund of  
19    the California Institution for Women, ~~and~~; the Trust Contingent  
20    Fund of the State Prison at Folsom, ~~and~~; the S.P.L. Commissary,  
21    Canteen Account, Hobby Association, Camp Account, Library  
22    Fund, News Agency of the State Prison at San Quentin, the  
23    Prisoners' Fund,; and the Prisoners' Employment Fund, shall be  
24    deposited in the Inmate Welfare Fund of the Department of  
25    Corrections and Rehabilitation, in the State Treasury, which ~~fund~~  
26    is hereby created. ~~Except as provided in subdivision (b), the~~ *The*  
27    money in the fund shall be used *solely* for the benefit, ~~education,~~  
28    and welfare of inmates of prisons and institutions under the  
29    jurisdiction of the Department of Corrections and Rehabilitation,  
30    including, ~~but not limited to, the establishment,~~ *following:*

31    (A) *The establishment*, maintenance, employment of personnel  
32    for, and purchase of items for sale to inmates at canteens  
33    maintained at the state ~~institutions,~~ *and for the institutions.*

34    (B) *The establishment*, maintenance, employment of personnel,  
35    and necessary expenses in connection with the operation of the  
36    hobby shops at institutions under the jurisdiction of the department.

37    ~~(b) At least — percent of the money in the fund shall, upon~~  
38    ~~appropriation by the Legislature, be transferred annually to county~~

~~1 departments of probation to be utilized for the coordination of  
2 mental health services after an inmate's release from state custody.  
3 For purposes of this subdivision, mental health services shall  
4 include, but shall not be limited to, consultation and referral to  
5 community mental health providers and programs, transportation  
6 to mental health appointments and treatment facilities, and transfer  
7 of any prescriptions used to treat mental illness. Each county  
8 department of probation shall prepare a biannual report of the use  
9 of the funds and submit it to the county inmate welfare fund  
10 commission, or the equivalent entity, or the board of supervisors,  
11 or both.~~

*(C) Educational programs, hobby and recreational programs, reentry programs, and operational expenses.*

*(i) Recreation programs may include physical education activities and hobby craft classes.*

*(ii) Reentry programs may include services such as assistance obtaining or reinstating benefits, obtaining identification cards, linkage to housing programs, providing education and job training opportunities, self-help programs, including, but not limited to, anger management and substance abuse programs, and coordinating contact with family members, social services, legal services, and health care services prior to an inmate's release from prison.*

*(2) The warden of each institution, in collaboration with at least two representatives from local or state advocacy groups for inmates and two members of either the men's or women's advisory council or similar group within each institution, shall meet at least biannually to determine how the money in the fund shall be used to benefit the inmates of the respective institution. It is the intent of the Legislature that the funds only be expended on services other than those that the department is required to provide to inmates.*

~~(e)~~

*(b) There shall be deposited in the Inmate Welfare Fund all net proceeds from the operation of canteens and hobby shops and any moneys ~~which~~ that may be assigned to the state prison by prisoners for deposit in the fund. The moneys in the fund shall constitute a trust held by the ~~Director~~ Secretary of the Department of Corrections and Rehabilitation for the benefit and welfare, as herein defined, of all of the inmates ~~and former inmates~~ of institutions and prisons under the jurisdiction of the department.*

~~(d)~~

(c) The Department of Finance shall conduct a biennial audit of the Inmate Welfare Fund to include an audit report which shall summarize expenditures from the fund by major categories. At the end of each intervening fiscal year, a statement of operations shall be prepared ~~which~~ *that* shall contain the same information as would be provided in the biennial audit. At least one copy of any statement of operations or audit report shall be placed in each library maintained by the Department of Corrections and Rehabilitation and shall be available there to any inmate.

SEC. 3. *Section 5006.1 of the Penal Code is amended to read:*

5006.1. (a) Notwithstanding any provision in Section 5006, money in the Inmate Welfare Fund shall not be expended to pay charges for any or all of the following purposes:

~~(a)~~

(1) Overtime for staff coverage of special events.

~~(b)~~

(2) Television repair.

~~(c) Athletic and recreation supplies.~~

~~(d)~~

(3) Original complement of television sets and replacement of television equipment.

~~The~~

(b) *The* department shall pay these charges out of any money appropriated for these purposes.

SEC. 4. *Section 5007 of the Penal Code is amended to read:*

5007. ~~The Director of Corrections~~ *Secretary of the Department of Corrections and Rehabilitation* may invest ~~any~~ money in the Inmate Welfare Fund that in his *or her* opinion is not necessary for immediate use, with the approval of the Department of Finance, and interest earned and other increment derived from investments made pursuant to this section shall be paid into the Inmate Welfare Fund of the Department of Corrections *and Rehabilitation*.

~~SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

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